

C O P Y

George F. Nelson, Esq.
Assistant Attorney General

Project O-6294
Replacing Kent Annex Floors

Mr. Leo A. Heath,
Business Administrator I.
New Hampshire State Hospital

March 31, 1954

Attorney General

NEW HAMPSHIRE LAW LIBRARY

SEP 22 1998

CONCORD, N.H.

Dear Mr. Heath:

I have reviewed the contents of your letter of March 8, 1954, to Commissioner Merrill, and advise that it will not be possible to apply \$12,000 out of your 1955 regular departmental budget repairs and alterations funds to complete this capital improvement project.

If it is not possible to do the work for which the capital budget appropriation C2117 was made within the funds so appropriated, no authority exists to undertake the project if it will result in a deficit. Neither may these repair and maintenance funds be used to do a portion of the capital improvement project where the initial appropriation contemplated the entire project. The provisions of R.L. c. 23-A as inserted by Laws of 1950, c. 5, Pt. 6, s. 5, sub-sec. V. do permit transfer of appropriation items within a state department for expenses within the department but do not authorize the expenditure of funds provided for general repairs and maintenance for capital improvement construction.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFN:HP

CC: Frank D. Merrill, Commissioner
Dep't. Public Works and Highways

John O. Merton, Deputy Commissioner
Dep't. Public Works and Highways

George W. Waymouth, Public Works Engineer
Dep't. Public Works and Highways